

Senate Bill No. 245

Passed the Senate August 11, 1997

Secretary of the Senate

Passed the Assembly August 7, 1997

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Section 24351 of, and to add Part 6 (commencing with Section 24450) of Division 9 to, the Public Utilities Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, Haynes. Insurance: aircraft: skydiving.

The Uniform Aircraft Financial Responsibility Act requires an operator of an aircraft involved in an accident to file a report with the Department of Transportation, as specified, and to comply with certain financial responsibility requirements. Existing law provides that an aircraft insurance policy or bond is not effective unless it meets certain requirements, but provides that a policy or bond need not cover a guest or any other person riding in or upon an aircraft without giving compensation, among other exclusions.

This bill would additionally provide that an aircraft insurance policy or bond need not cover any liability for bodily injury or death of any occupant riding in or upon an aircraft or exiting an aircraft for purposes of skydiving or sport parachuting when that occupant's injury or death is solely related to hazardous risks associated with skydiving or sport parachuting activities. However, it would require that a notice be provided, as specified, to any person who is not covered under a liability insurance policy in connection with skydiving or sport parachuting activities disclosing the fact of such noncoverage.

This bill would also require any person who causes damage to an aircraft that may reasonably be expected to affect the airworthiness of the aircraft to notify the owner or person in charge of the aircraft, as specified. A violation of this provision would be a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 24351 of the Public Utilities Code is amended to read:

24351. The policy or bond need not cover:

(a) Any liability on account of bodily injury to or death of any employee of the owner or operator while the employee is engaged in the duties of the person's employment.

(b) Any obligation for which the owner or operator or the insurer of the owner or operator may be held liable under any workers' compensation law.

(c) A guest, or any other person, riding in or upon any aircraft without giving compensation.

(d) (1) Any liability for bodily injury or death of any occupant riding in or upon an aircraft or exiting an aircraft for purposes of skydiving or sport parachuting when that occupant's injury or death is solely related to hazardous risks associated with skydiving or sport parachuting activities.

(2) Any person described in paragraph (1) who is not afforded the protection of liability insurance in connection with skydiving or sport parachuting activities shall be provided a notice in at least 14-point type that discloses the fact that no liability insurance is in effect that provides coverage for the skydiving or sport parachuting activities that are being undertaken.

SEC. 2. Part 6 (commencing with Section 24450) is added to Division 9 of the Public Utilities Code, to read:

PART 6. AIRCRAFT DAMAGE REPORTING

24450. Any person who causes damage to any aircraft that may reasonably be expected to affect the airworthiness of the aircraft shall do either of the following:

(a) Locate and notify the owner or person in charge of the aircraft of his or her name and address, and upon being requested to do so by the owner of the aircraft or person in charge of the aircraft, present his or her driver's license or pilot's license for identification purposes.

(b) Leave in a conspicuous place on the aircraft a written notice giving his or her name, address, and telephone number and a statement of the circumstances thereof, and, without unnecessary delay, notify the nearest safety representative of the Federal Aviation Administration.

24451. Any person failing to comply with the requirements of Section 24550 is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1997

Governor

